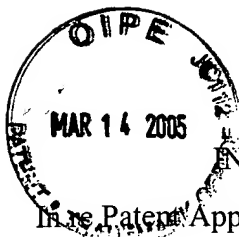


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Robert BARRITZ et al.

Date: March 10, 2005

Serial No.: 09/726,166

Group Art Unit: 3621

Filed: November 29, 2000

Examiner: David Q. Le

For: LICENSE COMPLIANCE VERIFICATION SYSTEM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF PURSUANT TO 37 C.F.R. §1.193(b)(1)

Sir:

This REPLY BRIEF is in response to the **EXAMINER'S ANSWER** dated January 10, 2005.

This REPLY addresses the Examiner's **Responses to Arguments** numbered **Issue 1** and **Issue 2**, as set forth at pages 5-6 of the **EXAMINER'S ANSWER**.

Reply to Response to Argument Issue 1:

In Section (11) **Response to Argument** (at page 5 of the **EXAMINER'S ANSWER**), under **Issue 1**, the Examiner contends that Bains Fig. 1 and the associated text at column 5, lines 28-35 disclose gathering data and usage of the licensed property "by reference to a plurality of licensors of the licensed property".

Reproduced below is the exact text on which the Examiner relies:

"FIG. 1 shows the manner in which a preferred embodiment of the invention may be implemented on a Unix network. Each computer node 11 of the network may be running a variety of software products, such as PDS (item 12a), EMS (item 12b), and so forth (shown through item 12j). Each of these products includes a call "get_license" to the local policy server daemon 16 for a determination whether a license is available to run the product in question."

Respectfully, the above text says nothing about collecting data regarding the usage of the licensed property by reference to “a plurality of licensors of the licensed property”. In fact, the immediately following lines 35-39 refute the suggestion that this reference performs that function. That is, lines 36-40 state:

“As used in this detailed description, the term ‘license’ refers not to a written document between the licensor and the licensee, but rather to the availability of permission to run the software product.”

In other words, no reference is made, or any care is given, to any particular relationship as to who the licensor is. The system simply checks the availability of permission to run the software product regardless of who the licensor is. This document actually teaches away from the present invention.

Reply to Response to Argument Issue 2:

In reply to **Issue 2** (at page 6 of the **EXAMINER’S ANSWER**), it is respectfully submitted that the **EXAMINER’S ANSWER** improperly commingles and confuses the entity “monitoring software” as used in the instant invention, with the entity which constitutes the “license manager”. Both references describe a license manager. Any license manager includes, of course, an internally provided license compliance verification system/method of some type. In order to grant a license to a product, certain conditions must be complied with. But as set forth in applicant’s Brief, the present invention is not directed to a license manager, per se. The present invention includes a separate monitoring software that interfaces with the conventional license manager and extracts licensor-specific compliance data from the conventional license manager and thereafter authenticates that retrieved data against internal data which is not part of the license manager construct, in order to assure that software usage data gathered by the (conventional) license manager has not been altered or improperly deleted and is being correctly reported to the software vendors, i.e., licensors. This separate monitoring software is the “policeman” of the main police agency, which is the license manager. No comparable or similar construct or structure or functionality is described in any of these references.

CONCLUSION

Accordingly, it is respectfully submitted that the claims in the application merit to be promptly allowed and the Examiner's rejection thereof should be reversed.

This Reply Brief is being submitted herewith in triplicate.

If this communication is filed after a shortened statutory time period has elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. §1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 10, 2005

MAX MOSKOWITZ

Name of applicant, assignee or
Registered Representative

Signature

March 10, 2005

Date of Signature

Respectfully submitted,

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